

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BENJAMIN ASHMORE,

Plaintiff,

—against—

CGI GROUP, INC. & CGI FEDERAL, INC.,

Defendants.

11-cv-8611-AT-JLC

**DECLARATION OF  
ZACHARY D. FASMAN**

**DECLARATION OF ZACHARY D. FASMAN**

I, Zachary D. Fasman, hereby certify as follows:

1. I am an Attorney-at-Law admitted to practice before the United States District Court for the Southern District of New York, a member of the New York and District of Columbia bars, and a Partner at the firm of Proskauer Rose LLP, attorneys for Defendants CGI Group, Inc. and CGI Federal, Inc. I make this declaration in support of Defendants' Motion to Dismiss Plaintiff Ashmore's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1).

2. Attached as **Exhibit 1** is a true and correct copy of Plaintiff Benjamin Ashmore's (hereinafter "Plaintiff" or "Ashmore") bankruptcy petition that was filed in Case No. 13-17450 in the United States Bankruptcy Court in the District of New Jersey (hereinafter "Plaintiff's bankruptcy case") on April 8, 2013. This document was filed as ECF No. 1 on the Bankruptcy Court's docket.

3. Attached as **Exhibit 2** is a true and correct copy of the ECF Docket for Plaintiff's bankruptcy case, as of November 18, 2015.

4. Attached as **Exhibit 3** is a true and correct copy of the Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines that was filed on April 10, 2013 in Plaintiff's bankruptcy case. This document was filed as ECF No. 6 on the Bankruptcy Court's docket.

5. Attached as **Exhibit 4** is a true and correct copy of a letter dated July 17, 2013, from James D'Alessandro to the Honorable Morris Stern. This document was filed as ECF No. 18 on the Bankruptcy Court's docket.

6. Attached as **Exhibit 5** is a true and correct copy of a letter dated October 20, 2015 from Michael Holt to the Honorable Analisa Torres. This document was filed as ECF No. 175.

7. Attached as **Exhibit 6** is a true and correct copy of Plaintiff Ashmore's Complaint in the matter of *Ashmore v. CleanEdison, Inc.*, Index No. 652972/2012 (N.Y. Sup. Ct. Aug. 26, 2012), which was filed in New York State Supreme Court. This document was filed as ECF No. 2 on the N.Y. Supreme Court's docket.

8. Attached as **Exhibit 7** is a true and correct copy of Ashmore's Notice of Motion to Seal Pleadings and supporting papers filed in *Ashmore v. CleanEdison, Inc.*, Index No. 652972/2012, and dated November 11, 2012. This document was filed as ECF No. 8 on the N.Y. Supreme Court's docket.

9. Attached as **Exhibit 8** is a true and correct copy of the LinkedIn page of Avi Yaschin, founder of CleanEdison, Inc., as of November 18, 2015.

10. Attached as **Exhibit 9** is a true and correct copy of Ashmore's Certification in Support of Debtor's Notice of Objection to Motion to Extend Deadline that was filed on May 23, 2013 in Plaintiff's bankruptcy case. This document was filed as ECF No. 10-1 on the Bankruptcy Court's docket.

11. Attached as **Exhibit 10** is a true and correct copy of Ashmore's Certification in Support of Motion to Dismiss the Petition that was filed on June 19, 2013 in Plaintiff's Bankruptcy case. This document was filed as ECF No. 13-1 on the Bankruptcy Court's docket.

12. Attached as **Exhibit 11** is a true and correct copy of the Transcript of the July 23, 2013 Hearing on Ashmore's Motion to Dismiss the Bankruptcy Case held by the Honorable Morris Stern of the Bankruptcy Court.

13. Attached as **Exhibit 12** is a true and correct copy of the executed letter agreement signed by Former Trustee Barbara Edwards and Ashmore and dated September 16, 2013. This document was filed as ECF No. 27-2 on the Bankruptcy Court's docket.

14. Attached as **Exhibit 13** is a true and correct copy of the Discharge of Debtor Order that was filed on November 18, 2013 in Plaintiff's Bankruptcy case. This document was filed as ECF No. 24 on the Bankruptcy Court's docket.

15. Attached as **Exhibit 14** is a true and correct copy of the Discharge of Debtor Order that was filed on November 20, 2013 in Plaintiff's Bankruptcy case. This document was filed as ECF No. 25 on the Bankruptcy Court's docket.

16. Attached as **Exhibit 15** is a true and correct copy of the Final Decree that was filed on November 22, 2013 in Plaintiff's bankruptcy case. This document was filed as ECF No. 26 on the Bankruptcy Court's docket.

17. Attached as **Exhibit 16** is a true and correct copy of excerpts from the deposition transcript of Ashmore, which was held on June 10, 2013.

18. Attached as **Exhibit 17** is a true and correct copy of a letter from David Mair to the Honorable Analisa Torres dated September 19, 2013. This document was filed as ECF No. 55.

19. Attached as **Exhibit 18** is a true and correct copy of a letter from David Mair to the Honorable Analisa Torres dated September 9, 2013. This document was filed as ECF No. 50.

20. Attached as **Exhibit 19** is a true and correct copy of the Court's Order dated September 11, 2013 and filed on September 12, 2013. This document was filed as ECF No. 51.

21. Attached as **Exhibit 20** is a true and correct copy of a letter from James D'Alessandro to the Honorable Analisa Torres dated September 17, 2013 and the Court's Order and memorandum endorsement dated September 17, 2013. This document was filed as ECF No. 54.

22. Attached as **Exhibit 21** is a true and correct copy of a letter from Robert Herbst to the Honorable Analisa Torres dated December 18, 2013 and the Court's Order and memorandum endorsement dated December 19, 2013. This document was filed as ECF No. 75.

23. Attached as **Exhibit 22** is a true and correct copy of a letter from Robert Herbst to the Honorable Analisa Torres dated October 1, 2015. This document was filed as ECF No. 156.

24. Attached as **Exhibit 23** is a true and correct copy of a letter from Zachary Fasman to Former Trustee Barbara Edwards dated September 9, 2015.

25. Attached as **Exhibit 24** is a true and correct copy of the Notice of Motion to Reopen Bankruptcy Case and Appoint Interim Trustee filed on September 22, 2015 in Plaintiff's bankruptcy case. This document was filed as ECF No. 27 on the Bankruptcy Court's docket.

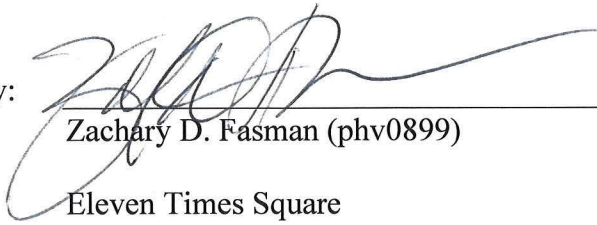
26. Attached as **Exhibit 25** is a true and correct copy of a letter from Patricia Staiano to the Honorable Vincent Papalia filed on October 22, 2015 in Plaintiff's bankruptcy case. This document was filed as ECF No. 30 on the Bankruptcy Court's docket.

27. Attached as **Exhibit 26** is a true and correct copy of a Status Change Form filed on October 27, 2015 in Plaintiff's bankruptcy case. This document was filed as ECF No. 31 on the Bankruptcy Court's docket.

Dated: November 23, 2015  
New York, New York

PROSKAUER ROSE LLP

By:

A handwritten signature in dark ink, appearing to read 'Zachary D. Fasman', is written over a horizontal line.

Zachary D. Fasman (phv0899)

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